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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 GENERAL INSURANCE COMPANY OF
12 AMERICA.

13 Plaintiff,

14 v.

15 RITA IRENE NUNEZ, MELCHOR
16 TATIA, ISAAC QUIROZ, PAUL LOPEZ,
17 VERONICA LOPEZ, and DOES 1 to 10.,

Defendants.

No. 1:21-cv-00150-JLT-BAM

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Docs. 27, 36)

18 General Insurance Company of America filed this action against Rita Irene Nunez,
19 Melchor Tatia, Isaac Quiroz, Paul Lopez, and Veronica Lopez. (Doc. 1.) Plaintiff issued a
20 homeowner's insurance policy to Nunez, who resides with her husband, Tatia, and her son,
21 Quiroz (collectively "the Insured Defendants"). (*See id.* ¶ 11.) The remaining Defendants, Paul
22 and Veronica Lopez, have asserted liability claims against Defendants Nunez, Tatia, and Quiroz
23 on the basis that, on May 29, 2020, Quiroz supplied a controlled substance, fentanyl, to Paul and
24 Veronica Lopez's son ("Decedent"), resulting in his death (the "Underlying Claim"). (*See id.* at ¶
25 17.)

26 On November 16, 2021, Plaintiff filed two motions for default judgment: (1) against the
27 Insured Defendants (Doc. 26), and (2) against Paul and Veronica Lopez. (Doc. 27.) The motion
28 for default judgment against the Insured Defendants was granted in part, with the Court entering

default judgment against the Insured Defendants as follows:

- a. The Court **DECLARES** that Plaintiff has no duty, and never had a duty, to defend the Insured Defendants against the underlying third-party liability claims,
- b. The Court **FURTHER DECLARES** that Plaintiff has no duty, and never had a duty, to indemnify the Insured Defendants in the underlying claim.

(Doc. 35 at 3.)

On June 16, 2022, the assigned magistrate judge issued findings and recommendations regarding Plaintiff's motion for default judgment against Paul and Veronica Lopez. The magistrate judge recommended that the motion for default judgment be granted. (Doc. 36.) Those findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.*) No objections have been filed, and the time in which to do so has passed.

According to 28 U.S.C. § 636 (b)(1)(c), this Court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the Court finds that the findings and recommendations are supported by the record and proper analysis. Thus,

1. The findings and recommendations issued on June 16, 2022 (Doc. 36) are **ADOPTED IN FULL.**
2. Plaintiff's motion for default judgment against Defendants Paul Lopez and Veronica Lopez (Doc. 27) is **GRANTED.**
3. Default judgment shall be entered in favor of Plaintiff and against Defendants Paul Lopez and Veronica Lopez as follows:
 - a. The Court **DECLARES** that Plaintiff has no duty, and never had a duty, to defend the Insured Defendants, against the underlying third-party liability claims, brought against them by Paul and Veronica Lopez, or any litigation brought against the Insured Defendants arising out of, related to, or in any way connected with, the liability claim for Decedent's death;
 - b. The Court **FURTHER DECLARES** that Plaintiff has no duty, and never had a duty, to indemnify the Insured Defendants in the underlying claim by Paul

1 Lopez and Veronica Lopez.

2 4. The Clerk of Court is directed to **CLOSE THIS CASE**.

3
4 IT IS SO ORDERED.

5 Dated: **July 11, 2022**


UNITED STATES DISTRICT JUDGE